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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/628,829	07/31/2000	Kunihiko Higashi	P/1878-162	5160

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EXAMINER

DAVIS, TEMICA M

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/628,829

**Applicant(s)**

HIGASHI, KUNIIHIKO

**Examiner**

Temica M. Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3-4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

DETAILED ACTION

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4 and 6-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Kobayashi et al (Kobayashi), U.S. Patent No. 6,375,082.

Regarding claims 1 and 13, Kobayashi discloses a data processing device (300)/method comprising: a plurality of connection terminals for establishing electric contact to receive signals and drive electric power, one of said connection terminals comprising a reset terminal (col. 4, lines 31-36 and col. 5, lines 57-62; figure 3); an antenna for receiving signals and drive electric power as a radio wave (col. 4, lines 11-19); data processing means switchable between a terminal mode for processing data based on an effective input signal applied to said connection terminals and an RF mode for processing data based on an effective input signal applied to said antenna, said data processing means being supplied with said signals and drive electric power from one of said connection terminals and said antenna depending on one of said terminal mode and said RF mode which is set (col. 6, line 7-col. 7, line 38); and mode switching means

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for setting said data processing means to said RF mode in response to a predetermined radio wave applied to said antenna and setting said data processing means to said terminal mode in response to a reset signal applied to said reset terminal (col. 8, lines 7-53).

Regarding claim 2, Kobayashi discloses a data processing device according to claim 1, wherein said mode switching means comprises means for setting said data processing means to said RF mode when no reset signal is detected (which reads on the cancelled reset signal) (col. 14, lines 12-48).

Regarding claim 3, Kobayashi discloses a data processing device according to claim 1, wherein said mode switching means comprises means for detecting whether the reset signal is applied to said reset terminal or not while said data processing means is being set to said RF mode (col. 13, lines 35-col. 14, line 20).

Regarding claim 4, Kobayashi discloses a data processing device according to claim 2, wherein said mode switching means comprises means for detecting whether the reset signal is applied to said reset terminal or not while said data processing means is being set to said RF mode (col. 13, line 35-col. 14, line 20).

Regarding claim 6, Kobayashi discloses a data processing device according to claim 4, wherein said mode switching means comprises means for setting said data processing means to said terminal mode when the reset signal applied to said reset terminal is detected even while said data processing means has been set to said RF mode in response to said predetermined radio wave applied to said antenna (col. 12, line 34-col. 13, line 34).

Regarding claim 7, Kobayashi discloses a data processing device according to claim 1, wherein said mode switching means comprises means for detecting said predetermined radio wave applied to said antenna even while said data processing means has been set to said terminal mode (col. 7, lines 30-38).

Regarding claim 8, Kobayashi discloses a data processing device according to claim 4, wherein said mode switching means comprises means for detecting said predetermined radio wave applied to said antenna even while said data processing means has been set to said terminal mode (col. 7, lines 30-38).

Regarding claim 9, Kobayashi discloses a data processing device according to claim 1, further comprising: inherent power extracting means for extracting drive electric power from a radio wave applied to said antenna; inherent power limiting means for limiting voltage of the drive electric power extracted by said power extracting means to a predetermined voltage; and inherent limiting control means for turning off said power limiting means when said data processing means has been set to said terminal mode as evidenced by the fact that certain circuit functions are inhibited while operating in the terminal mode (contact mode) (col. 7, lines 19-38).

Regarding claim 10, Kobayashi discloses a data processing device according to claim 4, further comprising: inherent power extracting means for extracting drive electric power from a radio wave applied to said antenna; inherent power limiting means for limiting voltage of the drive electric power extracted by said power extracting means to a predetermined voltage; and inherent limiting control means for turning off said power limiting means when said data processing means has been set to said terminal mode as

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evidenced by the fact that certain circuit functions are inhibited while operating in the terminal mode (contact mode) (col. 7, lines 19-38).

Regarding claim 11, Kobayashi discloses a data processing device according to claim 9, wherein said mode switching means comprises means for detecting an input signal applied to said antenna even while said data processing means has been set to said terminal mode, and said limiting control means comprises means for turning on said power limiting means if said mode switching means detects an input signal applied to said antenna when said data processing means has been set to said terminal mode and said power limiting means has been turned off (col. 7, lines 19-38).

Regarding claim 12, Kobayashi discloses a data processing device according to claim 10, wherein said mode switching means comprises means for detecting an input signal applied to said antenna even while said data processing means has been set to said terminal mode, and said limiting control means comprises means for turning on said power limiting means if said mode switching means detects an input signal applied to said antenna when said data processing means has been set to said terminal mode and said power limiting means has been turned off (col. 7, lines 19-38).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi in view of well known prior art.

Regarding claim 5, Kobayashi discloses a data processing device according to claim 4, further comprising a power line wherein said reset terminal is connected to said power line (figures 3 and 4).

Kobayashi, however, fails to disclose wherein the reset terminal is connected to the power line through a pull-up resistor.

The examiner contends, however, that implementing resistors in circuits, which supply voltage to components of the circuit, is well known in the art and the examiner takes official notice as such.

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Kobayashi with the teachings of well known in the art for the purpose of reducing the risk of over powering the circuitry with too much electric current.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Houdeau et al, U.S. Patent Nos. 6,288,904 and 6,095,423, Gore et al, U.S. Patent No. 6,492,717, Reiner, U.S. Patent No. 6,213,402.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Davis whose telephone number is (703) 306-5837. The examiner can normally be reached Monday-Friday (alternate Fridays) from 9:00am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika Gary can be reached on (703) 308-0123. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Temica M. Davis  
Examiner  
Art Unit 2681

June 12, 2004

  
**TEMICA M. DAVIS**  
**PATENT EXAMINER**